UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/SR.1245
16 March 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-second session

SUMMARY RECORD OF THE 1245th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 March 1998, at 10 a.m.

Temporary Chairman: Mr. ter HORST
Chairman: Mr. ABOUL-NASR

CONTENTS

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE UNDER RULE 14 OF THE RULES OF PROCEDURE

ELECTION OF OFFICERS

ADOPTION OF THE AGENDA

ORGANIZATIONAL AND OTHER MATTERS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.98-15409 (E)

The meeting was called to order at 10.55 a.m.

OPENING OF THE SESSION BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN (Deputy High Commissioner for Human Rights and Representative of the Secretary-General) declared open the fifty-second session of the Committee on the Elimination of Racial Discrimination.

Statement by the Deputy High Commissioner for Human Rights

2. The TEMPORARY CHAIRMAN, speaking on behalf of himself and the High Commissioner for Human Rights, congratulated those members of the Committee who had been re-elected at the seventeenth meeting of States parties to the Convention. He also welcomed the newly elected members of the Committee, namely, Ms. Gay McDougall of the United States of America and Mr. Peter Nobel of Sweden, and paid tribute to Mr. Chigovera and Mr. Ahmadu whose terms of membership had ended.

3. Drawing attention to various developments of particular interest that had taken place since the Committee's last session, he noted that Saudi Arabia and Kyrgyzstan had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination, thereby bringing to 150 the total number of States parties. Similarly, Spain's recent declaration brought to 25 the number of States that had made the declaration under article 14.

4. The General Assembly, in its resolution on the report of the Committee on the Elimination of Racial Discrimination (A/RES/52/110), had commended the Committee for its work and especially its consideration of reports under article 9 and communications under article 14, its efforts to review the implementation of the Convention in States whose reports were seriously overdue, and its work to prevent racial discrimination through the use of its early warning and urgent procedures. It had encouraged the Committee to continue its cooperation with the High Commissioner, the Sub-Commission and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance. In that regard, he was particularly encouraged by the collaboration between the Sub-Commission and the Committee with a view to elaborating a joint working paper on article 7 of the Convention, and hoped that that would set a precedent for more substantive collaboration between various human rights entities with responsibility for combating racial discrimination.

5. Moreover, the General Assembly had decided, in its resolution on the Third Decade to Combat Racism and Racial Discrimination, to convene a world conference on racism and racial discrimination not later than the year 2001. It had also decided that the world conference would be action-oriented and focus on practical measures to eradicate racism, taking fully into consideration existing human rights instruments, and that the Commission on Human Rights would act as the preparatory committee. It had further requested the Committee to assist the preparatory committee and to submit recommendations concerning the conference and preparation thereof through the

Secretary-General. It had also welcomed the seminar held in 1996 on the role of Internet in connection with the dissemination of the provisions of the Convention.

6. Recalling the work done by the eighth regular meeting and the special meeting of chairpersons of treaty bodies held at Geneva, he thanked the Committee for its contribution to the debate on how the treaty system could be further streamlined.

7. The restructuring of the Office of the High Commissioner for Human Rights had been largely completed. A new team of professional and general support staff had been formed to service not only the Committee on the Elimination of Racial Discrimination but also the Committee against Torture and the Committee on the Rights of the Child.

8. The Office of the High Commissioner would continue to improve its efficiency, particularly by the continued development of its Web site.

SOLEMN DECLARATION BY THE NEWLY ELECTED MEMBERS OF THE COMMITTEE UNDER RULE 14 OF THE RULES OF PROCEDURE (item 2 of the provisional agenda)

9. The TEMPORARY CHAIRMAN noted that Mr. Wolfrum, a re-elected member, as well as Ms. McDougall, a newly elected member, were absent.

10. In accordance with rule 14 of the rules of procedure, Mr. ABOUL-NASR, Mr. BANTON, Mr. de GOUTTES, Mr. LECHUGA HEVIA, Mr. SHAHI and Mr. SHERIFIS, re-elected members of the Committee, and Mr. NOBEL, Committee member newly elected at the seventeenth meeting of States parties to the Convention, made the following solemn declaration:

> "I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Elimination of Racial Discrimination honourably, faithfully, impartially and conscientiously."

ELECTION OF OFFICERS (item 3 of the provisional agenda)

11. Mr. BANTON said it was customary for each regional group in turn to nominate a candidate for the post of Chairman of the Committee. It was the African group's turn to do so in 1998, but unfortunately it was no longer represented in the Committee; the fact the that custom could no longer be followed had raised a number of problems and held up the beginning of work. On the basis of the unofficial consultations that had been held before the meeting, he nominated Mr. Aboul-Nasr for the Office of Chairman of the Committee.

12. Mr. Aboul-Nasr was elected Chairman by acclamation.

13. Mr. Aboul-Nasr took the Chair.

14. Mr. Diaconu, Mr. Sherifis and Mr. Yutzis were elected Vice-Chairmen by acclamation.

15. Mr. Banton was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA (item 4 of the provisional agenda)

16. The CHAIRMAN invited members of the Committee to take note of the provisional agenda contained in document CERD/C/339. Personally he regretted that it suffered from a number of shortcomings - for example there was no item on the question of the inhabitants of non-self-governing territories, which was the subject of article 15 of the Convention. It might therefore be useful, before it was adopted, for members of the Committee briefly to express their views on the subject as well as any objections they might have.

17. Mr. RECHETOV said that the most regrettable absence of the African group could well undermine the Committee's authority and the confidence it enjoyed.

18. He wholeheartedly endorsed the Chairman's observation concerning the shortcomings of the agenda. The absence of an item on non-self-governing territories was indeed most unfortunate. Moreover, in connection with item 7, he hoped that a more satisfactory solution could be found to the question of States which had failed to submit reports because they lacked personnel capable of preparing them or for other reasons. The outgoing Chairman had promised that that problem would be studied, but the case of certain States which had still not submitted their initial report was not even mentioned in document CERD/C/339. Estonia was one example, although it had apparently made great efforts to improve the situation of minorities. The States "whose initial report was seriously overdue" and in respect of which the Committee had intended to review the application of the Convention were all small countries which did not pose political problems, whereas much larger States had been overlooked.

19. He hoped that in future the choice of countries to be subjected to exhaustive questioning would be based on more clear cut criteria and, for example, that it would be stated explicitly after how many years the review procedure would be applied to a State that had not submitted a report.

20. Mr. VALENCIA RODRIGUEZ noted that the Committee had intended to examine the question of non-self-governing territories at its summer session. However, in view of the Chairman's observations, that matter could be included in the agenda of the present session.

21. The CHAIRMAN said that the Bureau would add that item to the agenda.

22. Mr. van BOVEN said he wished to make three short observations. First, he noted that certain countries in respect of which the Committee had intended to review the application of the Convention, such as Bahrain, Ghana, Mauritania or Portugal, had announced their intention of submitting a report at the next session and that that fact should possibly be taken into account; secondly, in connection with item 6 on early warning measures and urgent action procedures, he drew attention to the last sentence of the second paragraph on page 4 of document CERD/C/339, since it was very important that the Committee should, if necessary, be able to schedule on short notice consideration of the situation in other States parties if circumstances so required; thirdly, on the subject of non-self-governing territories, he pointed out that the argument presented in paragraph 648 of the Committee's report to the General Assembly (A/52/18), that "The Committee once again finds

it impossible to fulfil its functions under article 15, paragraph 2 (a) of the Convention, owing to the total absence of any copies of petitions as provided therein." could not be used indefinitely as an excuse. He had personally found that some of the documents in question were among those that had been distributed, and the Committee should decide to take the question up.

23. Mr. GARVALOV supported the proposals made by the Chairman and Mr. Rechetov. He also observed, in connection with agenda item 6, that there were cases, other than those mentioned in the provisional agenda, whose urgency justified consideration under that item.

24. He was of the view that the Bureau should give thought to the future of treaty bodies in the context of the restructuring of the United Nations system; the Committee should adopt a clear-cut position on the matter, and particularly on the proposals made by the Independent Expert, Mr. Alston, in his report on the effective functioning of the United Nations human rights treaty system (E/CN.4/1997/74).

25. Mr. BANTON pointed out that the Committee was unable to apply the review procedure to Estonia at an earlier date since it had decided to do so only when its report - which should have been submitted in November 1992 - was five years overdue.

26. Mr. SHAHI was of the opinion that, in view of the troubled situation in Kosovo at the present time, Yugoslavia's report should be considered under item 6 and not 7.

27. As rapporteur for Syria, he wondered whether the report he had received (CERD/C/197/Add.6) dating from 1991 would be considered on the basis of the review procedure or the procedure applicable to periodic reports submitted in good time.

28. Mr. HUSBANDS (Secretary of the Committee) explained that what Mr. Shahi had received was a preparatory document and that Syria had since submitted a report which had been in the Secretariat's possession for only three weeks.

29. In reply to Mr. van Boven, he explained that the countries which had requested postponement of the consideration of their situation were Bahrain, Bangladesh, Ghana, Mauritania, Portugal and Uruguay; they had undertaken to submit their reports before June 1998.

30. Mr. de GOUTTES wondered whether Haiti could be added to that list.

31. As for agenda item 6, he agreed with Mr. van Boven that the list of States in connection with which the Committee should apply the urgent action procedure must be left open.

32. The Committee could usefully discuss the most recent developments in countries that had accepted the amendment of article 8, paragraph 6 of the Convention and the reform of treaty bodies in the light of Mr. Alston's report as well as the article that had recently been published on the subject in the review of the United Nations High Commissioner for Human Rights. Since the

question had now been brought out into the open, the Committee could not refrain from considering it and expressing its views on the subject.

33. Lastly, the non-governmental organization ARIS (Anti-Racism Information Service), whose efficiency was appreciated by the Committee, had in December been awarded the French Republic's human rights prize and deserved the Committee's congratulations.

34. The CHAIRMAN reminded members that the discussion under way concerned the Committee's programme of work and suggested that they should deal with the questions raised by Mr. de Gouttes under other agenda items.

The meeting was suspended at 12.15 p.m. and resumed at 12.45 p.m.

35. Mr. BANTON said that the Bureau had agreed to add, after item 9 of the provisional agenda, a new item entitled "Consideration of copies of petitions and reports under article 15 of the Convention".

36. Mr. de GOUTTES wished to know under what item the Committee would consider the question of liaison between the Committee and various bodies dealing with human rights and racial discrimination. He recalled that, in the past, each member of the Committee had been asked to liaise with some of those bodies - either those comprising the United Nations system or regional bodies. Unfortunately, cooperation between the Committee and other bodies dealing with human rights or racial or ethnic discrimination was still in many cases inadequate. Since the matter should not be lost from view he requested its inclusion in the agenda.

37. The CHAIRMAN suggested that the question could be included under item 5 (Organizational and other matters). He added that, in the absence of objections, he considered that the Committee wished to adopt the provisional agenda, as amended. A new version of the annotations to the agenda, reflecting the suggestions made by the Bureau, would be communicated to the members of the Committee for adoption.

38. The provisional agenda, as amended, was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5)

39. Mr. BANTON, referring to paragraph 2 of the Acting Secretary's report (document in English without symbol distributed at the meeting), said that Syria had transmitted a new report to the Committee. The Bureau suggested that the Committee should wait until the report had been translated before considering the implementation of the Convention in that country. Moreover, Bahrain, Bangladesh, Ghana, Mauritania, Portugal and Uruguay had requested the Committee to defer to the fifty-third session, in August 1998, the consideration of their cases, so as to be able to submit a report before that date. The Bureau recommended that the Committee should accede to that request.

40. The Bureau also recommended that the Committee should in future consider that type of request case by case. Lastly, as only major topics had been

included in the draft programme of work, he suggested that the Secretariat should draw up a list of supplementary points that would be considered in due course during the session.

41. Mr. SHAHI pointed out that paragraph 4 of the list of documents for the session (document without symbol distributed at the meeting in English only) included a Seminar on the Role of Internet with regard to the provisions of the Convention, which was to be held in the framework of the Third Decade to Combat Racism and Racial Discrimination. Since that question did not appear in the proposed programme of work, he asked when it would be considered.

42. The CHAIRMAN proposed that it should be considered under agenda item 11 on the Third Decade.

The meeting rose at 1 p.m.